

Honey" were false and misleading since they represented and created the impression that glucose is superior to common white sugar in nutritional properties and digestibility; that white sugar is not readily available in the body economy; that the saccharine substance in honey is all glucose; that honey is more digestible and acceptable to the body than ordinary white sugar; that honey is unequaled as an energy producer for tired and run-down people; that honey is of peculiar and special value in the diet of diabetic patients; that honey is of special value in heart weakness; that it would be of value in reviving the heart action and keeping patients alive; that the article, when used in conjunction with certain substances named in the booklet and in the manner set forth therein, would be efficacious in the cure, mitigation, treatment, and prevention of asthma and anemic conditions, bladder and kidney trouble, boils, cuts, scratches, and burns, bronchitis, colds, croup and whooping cough, corns, eczema, flu, high blood pressure, gas on the stomach, or heartburn, goiter, grip, hay fever, lost appetite, underweight, nervousness, loss of sleep, piles, pimples, a run-down condition, rheumatism, sinus trouble, stomach cramps, skin diseases, stomach trouble, smothering spells, sore mouth, sore throat, billiousness, ulcerated stomach, ulcerated sore throat, and worms; that it would be efficacious to aid babies in teething; that it would be efficacious as a canary bird tonic, poultice, and spring tonic; that it possessed marvelous healing properties; that it would aid in reducing and in gaining body weight; that it would aid in removing specks from the eye; and that it would be efficacious in the treatment of constipation and headaches. Glucose is not superior to common white sugar in nutritional properties and digestibility; white sugar is readily available in the body economy; the saccharine substance in honey is not all glucose; honey is not more digestible and acceptable to the body than ordinary white sugar; there is no advantage in using honey in the place of ordinary cane or beet sugar; honey is not unequaled as an energy-producer for tired, run-down people; honey is not of peculiar and special value in the diet of diabetic patients; honey is not of special value in heart weakness, and it would be of no value in reviving the heart action and keeping patients alive; the article did not possess marvelous healing properties; and the article, when used in conjunction with the substances named and in the manner set forth in the booklet, would not be efficacious for the purposes represented.

DISPOSITION: October 23, 1945. A plea of guilty having been entered, the court imposed a fine of \$500.

1778. Misbranding of Calwhey. U. S. v. Christian L. Neubert (the Calwhey Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 11392. Sample No. 12275-F.)

INFORMATION FILED: June 10, 1944, Northern District of California, against Christian L. Neubert, trading as the Calwhey Co., San Francisco, Calif.

ALLEGED SHIPMENT: On or about May 13, 1943, from the State of California into the State of Washington.

PRODUCT: Examination disclosed that the product consisted essentially of dried whey.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in controlling body temperature and in increasing the beneficial type of flora; that it would preserve the normal alkalinity of the blood; that it would be efficacious as a mild intestinal bactericide; that it would be efficacious in the cure, mitigation, treatment, or prevention of colitis, nervousness, and listlessness; that it would be efficacious to stimulate the liver, to increase the flow of bile, and to promote natural peristalsis; that it would aid and promote good digestion; that it would promote a healthy skin; and that it would be efficacious to reduce body weight. The article would not be efficacious for the purposes represented.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 23, 1944. A plea of guilty having been entered, the court imposed a fine of \$25 on each of 2 counts.

1779. Misbranding of Delamer. U. S. v. Frank E. Birtwhistle (Del Monte Laboratories). Plea of nolo contendere. Fine, \$2. (F. D. C. No. 12581. Sample No. 36512-F.)

INFORMATION FILED: January 17, 1945; amended April 9, 1945, Northern District of California, against Frank E. Birtwhistle, trading as the Del Monte Laboratories, Monterey, Calif.

ALLEGED SHIPMENT: On or about September 9, 1943, from the State of California into the State of Utah.

PRODUCT: The product was ocean water to which had been added small amounts of calcium acetate, iron chloride, and potassium iodide.

LABEL, IN PART: "Delamer A Mineralized Water * * * Ocean Sea Water Specially Processed."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the circulars accompanying the article were misleading since they represented, suggested, and implied that the "wearing out" of the body as evidenced by the slowing of the function of the blood, lack of vitality and pep, general poor physical condition, and lack of mental vigor, is usually the result of lack of minerals in the diet; that the user might reasonably expect that the consumption of the article would retard the "wearing out" processes of the body and prolong life; that the article would prevent the slowing of the function of the blood; that it would restore vitality and pep and improve the general physical condition and mental vigor; and that it was a rich source of all minerals. The "wearing out" of the body is a natural process with which lack of minerals is not ordinarily associated; the conditions referred to in the labeling are not usually the result of lack of minerals in the diet, but result from many and varied causes; the user might not reasonably expect that the consumption of the article would prevent or correct such conditions, since it would not be ordinarily efficacious for such purposes; and the article was not a rich source of all minerals.

Further misbranding, Section 502 (a), certain statements in the circulars were misleading since they represented and suggested that the ordinary diet of children does not provide them with calcium in amounts sufficient to attain normal growth; that the ordinary diet does not contain sufficient minerals for the normal needs of the body; that it is necessary to supplement the ordinary diet with additional minerals; and that it is practically impossible to obtain foods which contain sufficient minerals for the needs of the body. The ordinary diet of children provides them with calcium in amounts sufficient to attain normal growth; the ordinary diet contains sufficient minerals for the normal needs of the body; and, therefore, it is not necessary to supplement the ordinary diet with additional minerals.

The article was also charged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 2, 1945. The defendant having entered a plea of nolo contendere, a fine of \$1 on each count was imposed.

1780. Alleged misbranding of Moffett's Teethina. U. S. v. 208 Packages of Moffett's Teethina. Tried to the court and jury. Verdict for the claimant; libel dismissed. Appeal taken to Circuit Court of Appeals for the Fifth Circuit. Appeal dismissed on motion of the Government. (F. D. C. No. 7956. Sample No. 29523-F.)

LABEL FILED: July 25, 1942, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 30, 1942, by the C. J. Moffett Medicine Co., from Columbus, Ga.

PRODUCT: 208 packages of *Moffett's Teethina* at Greenville, S. C. Analysis showed that the product consisted essentially of calomel, 0.0492 grain, bismuth subnitrate, 1.91 grains, and cinnamon.

LABEL, IN PART: (Carton) "TEETHINA is a soothing relief for teething babies when the stomach or bowels are upset from improper feeding. * * * DIARRHEA OR LOOSE BOWELS WHEN DUE TO IMPROPER FEEDING * * * COLIC WHEN DUE TO GAS OR SOUR STOMACH * * *"; (circular) "* * * FOR DIARRHEA OR LOOSE BOWELS WHEN DUE TO IMPROPER FEEDING. Children under 2 years of age, give 1 powder every 4 hours until actions are improved. If the child is over 2 years of age, give 1 powder every 3 hours. If not relieved in 2 days, consult your physician. FOR COLIC WHEN DUE TO GAS OR SOUR STOMACH. Give a powder two or three times a week until relief has been obtained. TEETHINA is a soothing relief for teething babies when the stomach or bowels are upset from improper feeding."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the circular which accompanied it were false and misleading since they represented and suggested that the article would be effective for soothing teething babies; that it would be effective for diarrhea or loose bowels when due to improper feeding; and that it would be effective